



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,470	03/12/2001	Safi Qureshey	SQURESH.001CP1	1209

20995 7590 10/19/2005

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

TRAN, PABLO N

ART UNIT	PAPER NUMBER
2685	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/805,470	Applicant(s) QURESHEY ET AL.	
	Examiner Pablo N. Tran	Art Unit 2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) 31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 and 32-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the claimed limitation "said module further configured to provide a select broadcast display to allow the user to selectably connect a module broadcast to the input of said one or more audio amplifiers either from a local AM or FM radio station or from said Internet so that to the user, reception of a broadcast form the World Wide Web is not substantially more complicated than listening to a local FM or AM radio station" renders the claim indefinite. Appropriated correction required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2685

4. Claims 1-30 and 32-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mankovitz (5,949,492) in view of Logan et al. (6,088,455).

As per claims 1, 30, 32-35, 40, and 45-46, Mankovitz disclosed a stereo system for listening to a variety of audio sources having a visual display (fig. 3/no. 101), user control buttons and menu buttons (fig. 3, col. 9/ln. 36-col. 10/ln. 47), a tuner circuitry (fig. 4/no. 207), audio amplifiers (fig. 4/no. 211, fig. 9/no. 711), loudspeakers (fig. 4/element headphones/speakers), a network interface (fig. 9/no. 707), a data storage device (fig. 4/no. 202, 203, 210, fig. 9/no. 702, 704, 705), a decode software module configured to decode compressed audio files into a computer readable format (col. 4/ln. 47-58), a communication software module configured to use said network interface to connect to an Internet to said web sites to download said audio files and a third software module configured to use said network interface to connect to said Internet to receive digitized audio broadcasts from said Internet (col. 2/ln. 61-col. 3/ln. 57).

Mankovitz disclosed that the stereo system comprise such play back player but not explicitly a compact disk player. However, such is notoriously well known in the art, as taught by Logan et al. (col. 6/ln. 60-col. 7/ln. 5, col. 7/ln. 36-37). Therefore, it would have been obvious to one of ordinary skill in the art to provide such player to the radio system of Mankovitz in order to provide such convenient to the user as to when to play back his/her favorite songs at the leisure time.

As per claims 2-3, and 25, the modified radio system of Mankovitz does not explicitly suggest MP3 or window media formats. However, such is notoriously well

Art Unit: 2685

known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such audio format to the modified radio system of Mankovitz in order to utilize such well-known audio format to provide the user such flexibility and easy downloading of audio files.

As per claim 4, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 7/ln. 12-37).

As per claim 5, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 7/ln. 66-col. 8/ln. 11).

As per claim 6, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 20, col. 2/ln. 61-col. 3/ln. 57, col. 8/ln. 25-col. 3/ln. 35).

As per claim 7, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 12/ln. 57).

As per claims 8 and 36, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40).

As per claims 9 and 37-38, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claim 10, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 11 and 17-19, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 16/ln. 5-11).

As per claims 12-13, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 2/ln. 61-col. 3/ln. 57).

As per claims 14-15, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claim 16, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 20-21, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claims 22 and 49, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 2/ln. 61-col. 3/ln. 57).

As per claim 23, the modified radio system of Mankovitz disclosed the claimed invention (see Logan et al., col. 5/ln. 17).

As per claim 24, the modified radio system of Mankovitz does not explicitly a TOS link. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such link for the playback player of the modified radio system of Mankovitz in order to provide optimum digital recording with minimum sound degradation.

Art Unit: 2685

As per claims 26-29, the modified radio system of Mankovitz does not explicitly a shuttle button. However, such is notoriously well known in the art that the examiner takes Official Notice of such. Therefore, it would have been obvious to one of ordinary skill in the art to provide such button to the modified radio system of Mankovitz in order to provide the user such mean to easily manipulation of scrolling and making selections.

As per claim 39, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 45/ln. 39-55).

As per claims 41-42, he modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claim 43, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, col. 11/ln. 30-col. 14/ln. 40, col. 45/ln. 39-55).

As per claim 44, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 2, see Logan et al., fig. 1).

As per claim 47, the modified radio system of Mankovitz disclosed the claimed invention (see Mankovitz, fig. 12).

As per claim 48, as stated above in claim 1, the modified radio system of Mankovitz does not explicitly suggest that the display having dimension of not more than four inches. However, such is notoriously well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to provide such display's dimension

Art Unit: 2685

to the modified radio system of Mankovitz in order to provide adequate display space for the user to easily see the information being displayed.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

DeMartin et al. (6,226,672), Foladare et al. (5,819,160), Suzuki (5,857,149), Yap (6,793,142), Kulakowski et al. (6,229,621), Crosby et al. (6,628,928), Mackintosh et al. (6,349,329), and Mankovitz (6,253,069) disclose radiotelephone communication system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (571)272-7898. The examiner normal hours are 9:30 -5:00 (Monday-Friday). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571)272-7899.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)


Art Unit: 2685

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

October 16, 2005

PABLO N. TRAN
PRIMARY EXAMINER


AU2685